IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6748 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE R.R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : YES

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

GC DAVE

Versus

STATE OF GUJARAT

Appearance:

MR DC RAVAL for Petitioners

M/S PATEL ADVOCATES for Respondent No. 1

RULE SERVED for Respondent No. 2

MR HS MUNSHAW for Respondent No. 4

CORAM : MR.JUSTICE R.R.TRIPATHI

Date of decision: 24/04/2000

ORAL JUDGEMENT :

Mr.D.C. Raval, learned advocate for the petitioner points out that thought the order of reversion was quashed and set aside by this Court in earlier petition filed by the petitioner being Special Civil

Application No.5743 of 1986, the authorities have not given any consequential benefits. Mr.Raval further submits that it is a matter of settled legal position that once the order of reversion is quashed and set aside by this Court, the authorities ought to have granted the consequential benefits to the petitioner inasmuch as after the order of reversion is quashed, it becomes non existent. However, the petitioner is not granted consequential benefits. Pursuant to the rule issued by this Court on 11.1.2000 an affidavit in reply is filed by respondent no.1 wherein it is mentioned in para 3 that,

> "... I say and submit that after receiving the oral order dt.4.3.1997 the State Govt. has filed PA No.1487 of 1997 against implementing the judgement and order dated 4.3.1997. Said LPA is still pending in the Hon'ble High Court. I say that representations were received in the department but the respondent had filed the LPA against the judgment, therefore till the finalization of the said LPA no action can be taken to implement the impugned judgement in LPA."

2. There is no other defence and possibly there is none available to the respondents.

3. The respondents are directed to calculate the consequential benefits payable to the petitioner in light of the judgement and order of this Court in earlier Special Civil Application No.5743 of 1986 dated 4.3.1997, latest by 19th June 2000 and in case there is no stay is obtained against the judgement and order of this Court dated 4.3.1997, the respondents shall pay the same to the petitioner within a further period of six weeks, i.e. by 31.7.2000.

4. The petition is disposed of accordingly. Rule is made absolute with no order as to costs.

(Ravi R. Tripathi, J.)

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